

046050001



BEFORE THE ARIZONA CORPORATE

JUL 20 1994

MARCIA WEEKS
CHAIRMAN
RENZ D. JENNINGS
COMMISSIONER
DALE H. MORGAN
COMMISSIONER

DOCKETED BY	6711
-------------	------

IN THE MATTER OF THE APPLICATION OF)
COPPERVIEW APARTMENTS FOR AN)
ADJUDICATION NOT A PUBLIC SERVICE)
CORPORATION PROVIDING CUSTOMER-)
OWNED PAY TELEPHONE SERVICE.)

DOCKET NO. U-2765-94-141

DECISION NO. 58714

ORDER

Open Meeting
July 20, 1994
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On May 6, 1994, Copperview Apartments, ("Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an adjudication that it is not a public service corporation providing customer owned telephone service to the public.

2. Applicant is a 26 unit apartment complex located on Tucson Boulevard in Tucson, Arizona.

3. Applicant provides pay telephone service at the location of its pool for the sole use of its tenants and their guests. The pay telephone is not accessible to the public.

4. The application indicates that Applicant installed the pay telephone at the location of its pool for emergency situations as requested by the Pima County Health Department.

5. The operating cost of the pay telephone is approximately \$24.00 per month while the average monthly revenues over the first five years is less than \$4.00.

0 40 44 06 00 50 50 00 00 01

1 6. On June 30, 1994, the Commission's Utilities Division
2 ("Staff") issued its Staff Report recommending approval of the
3 application. Staff further recommended that a hearing on the matter
4 not be held.

5 7. Staff conducted an on-site inspection of the Applicant's pay
6 telephone location and determined that the pay telephone is not easily
7 accessible to the public.

8 8. Staff believes that the Company should be adjudicated not to
9 be a public service corporation in light of A.A.C. R14-2-904 since:

- 10 ♦ Applicant will not be in competition with other
- 11 ♦ Applicant has not dedicated its pay telephone
- 12 ♦ service for the public use;
- 13 ♦ the Applicant is not the sole offeror of payphone
- 14 ♦ service in the area; and
- 15 ♦ Applicant will not accept substantially all
- 16 ♦ requests for service.

16 CONCLUSIONS OF LAW

17 1. The Commission has jurisdiction to determine whether
18 Applicant is a public service corporation within the meaning of
19 Article XV of the Arizona Constitution and A.A.C. R14-2-904.

20 2. Based on the evidence presented herein, Applicant is not a
21 public service corporation subject to the jurisdiction and regulation
22 of this Commission.

23 3. Staff's analysis of the application, and its recommendation
24 that the application be approved, are well made and should be adopted.

25 4. The application should be approved.

26 . . .
27 . . .
28 . . .

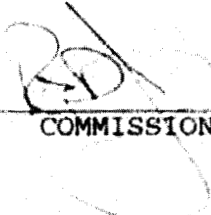
ORDER

IT IS THEREFORE ORDERED that the application of Copperview Apartments for an adjudication that it is not a public service corporation be, and is hereby, approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, JAMES MATTHEWS, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 20 day of July, 1994.


JAMES MATTHEWS
EXECUTIVE SECRETARY

DISSENT _____
RNB:dap

1 SERVICE LIST FOR: COPPERVIEW APARTMENTS
2 DOCKET NO.: U-2765-94-141
3
4 Donald R. Lawson, Manager
5 COPPERVIEW APARTMENTS
6 2559 North Tucson Blvd.
7 Tucson, Arizona 85716-2461
8
9 Paul A. Bullis, Chief Counsel
10 Legal Division
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
13 Phoenix, Arizona 85007
14
15 Gary Yaquinto, Director
16 Utilities Division
17 ARIZONA CORPORATION COMMISSION
18 1200 West Washington Street
19 Phoenix, Arizona 85007
20
21
22
23
24
25
26
27
28